



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

AA 61003016  
**Memorandum**

CONTROL NO.

970328-040

SIMS

S-10

Subject: **ACTION:** FAA Waiver of Antenna Siting  
Requirement

Date: **MAR 27 1997**

From: Acting Administrator

Reply to  
Attn. of: Emmett Fenlon:  
202/267-3480  
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To: The Secretary  
THRU: The Deputy Secretary

Your approval of this memorandum will grant the Federal Aviation Administration (FAA) an exemption from the placing of commercial mobile services antennas on its air traffic control facilities.

Section 704(c) of the Telecommunications Act of 1996 directs that procedures be developed that allow Federal departments to make available property and easements under their control for placement of new telecommunications services. This is not to be done when there are unavoidable direct conflicts with the agency's mission or with the current or planned use of the property.

By Executive memorandum, dated August 10, 1995, the President encouraged "the development of communications infrastructure by making Federal property available for the siting of mobile services antennas." The White House memorandum states this must be "consistent with national security concerns (including minimizing mutual electromagnetic interactions), public health and safety concerns...." In addition, the making of Federal property available for mobile antennas is "subject to any Federal requirements promulgated by the agency managing the facility and ... the Federal Aviation Administration ... and other relevant departments and agencies." In addition, the siting of mobile services antennas is not a priority over other authorized uses of Federal buildings or land.

The General Services Administration's governmentwide procedures, dated March 29, 1996, reflect the White House memorandum and require that such access should be "...done in accordance with Federal, State and local laws and regulations, and consistent with national security concerns (including minimizing mutual electromagnetic interactions)... and subject to any Federal requirements promulgated by the agency managing the facility and ... the Federal Aviation Administration...."

Air traffic safety and security concerns as well as the agency's need to limit physical access to air traffic control facilities compel that the FAA be granted this waiver for such facilities.

**1. Air Traffic Safety and Security Concerns.** The Executive memorandum and governmentwide procedures make Federal property available for the siting of mobile services antennas. They state, however, that this siting "should be done in accordance with Federal, State, and local laws and regulations, and consistent with national security concerns (including minimizing mutual electromagnetic interactions)...."

Electromagnetic interactions raise particular concerns for the FAA. FAA policy dictates a strong position against even the remote possibility of foreign structures generating electromagnetic interference that might affect sensitive air traffic control equipment.


The specific concern about electromagnetic interactions mentioned in the Executive memorandum provides the first basis for the waiver.

**2. Limiting Access to Air Traffic Control Towers and Facilities.** The siting of mobile services antennas should be done "subject to any Federal requirements promulgated by the agency managing the facility and ... the Federal Aviation Administration . . . and other relevant departments and agencies." Due to security concerns, FAA air traffic control facilities are subject to agency control regarding access to such buildings with air traffic control equipment. The servicing of mobile services antennas sited on FAA air traffic control facilities would create potential violations of FAA practices regarding limited accessibility to FAA air traffic control facilities.

Additional concerns arise when faced with the introduction of non-FAA personnel at an FAA facility that controls air traffic. One concern is who will be responsible for controlling and providing physical access to FAA air traffic control facilities and accompany non-FAA personnel every time a commercial corporation wants to visit the facility. These procedures are necessary to avoid accidental shutdowns of FAA equipment. A second concern is the coordination of corporate and maintenance visits at a site to ensure against an excessive number of equipment shutdowns for maintenance.

Also, additional personnel required for maintenance of the mobile antennas will raise concerns about operational integrity. Related problems would arise regarding FAA control over what is installed at FAA air traffic control locations by commercial operations, review and approval over all installations and modifications to commercial equipment, and potential penalties for interference with FAA air traffic control operations.

The unique safety-of-life requirements of the FAA, as well as the operational difficulties inherent in allowing access by additional personnel and equipment, provide the second basis for this waiver for air traffic control facilities.



Barry L. Valentine

The Secretary

APPROVED: \_\_\_\_\_



DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

APR 18 1997